

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ARISE FOR SOCIAL JUSTICE;)
OISTE?; NEW ENGLAND STATE-AREA)
CONFERENCE OF THE NAACP;)
REV. TALBERT W. SWAN, II;)
NORMAN W. OLIVER; DARLENE)
ANDERSON; GUMERSINDO GOMEZ;)
FRANK BUNTIN; RAFAEL RODRIGUEZ;)
and DIANA NURSE) Civil Action No. 05-30080-MAP
)
Plaintiffs,)
)
v.)
)
)
CITY OF SPRINGFIELD and SPRINGFIELD)
ELECTION COMMISSION)
)
Defendants.)
)

DEFENDANTS' AFFIDAVIT OF DIRECT TESTIMONY
JOSHUA P. BOGIN, ESQ., DIRECTOR
SPRINGFIELD MAGNET SCHOOLS ASSISTANCE PROGRAM

I, Joshua P. Bogin, on oath, do hereby state as follows:

Background, Education, and Employment

- 1) My name is Joshua P. Bogin and I am the Director of the Springfield Magnet Schools Assistance Program [MSAP]. I have held this position since November 1996, when I was hired to direct and coordinate the district's first federal MSAP grant, which ran from 1995-98. I assisted in the writing of successful MSAP grant applications for the Springfield Public Schools [SPS] for the following periods: 1998-2001 and 2001-04. I was solely responsible for the writing of the district's successful MSAP application for the 2004-07 school years. My posted responsibilities are to direct and coordinate these funded programs. Accordingly I have lived in Springfield since 1997 and my children have attended one of the SPS magnet schools for the duration of their public school years.
- 2) I grew up in New York and received my A.B. degree from Oberlin College in Oberlin, Ohio, in 1973. My major was History with an emphasis on American race relations, also completing all requisite courses and practicum requirements for an Ohio teaching certificate. I am a 1976 *cum laude* graduate of Temple University School of Law in

Philadelphia , Pa. After working for less than a year as a poverty lawyer with Community Legal Services in Philadelphia, I was recruited in 1977 by one of my former law professors, Drew S. Days III, then the newly appointed Assistant Attorney General for Civil Rights, to be a trial lawyer in the US Department of Justice's Civil Rights Division. I worked as a Senior Trial Lawyer in the Education Section of the Civil Rights Division, as well as the General Litigation Section of the Division, from 1977-87, during which time I was lead counsel for the United States on numerous school desegregation and other civil rights cases, including most notably the landmark case of *United States, et al. v. Yonkers Board of Education, et al.*, the first federal case to result in comprehensive remedial orders linking housing and school desegregation. The NAACP was a co-plaintiff in that landmark case, and I worked closely with the NAACP General Counsel's office in the prosecution, trial and related negotiations in that lengthy litigation. In 1987 I moved to New York City where I worked as a consultant to several school districts and to the Equity Assistance Center at New York University. From 1990-95 I worked as a Senior Project Associate with the Equity Assistance Center, a "Title IV" desegregation assistance center, providing technical assistance to school districts in New York, New Jersey, Puerto Rico and the Virgin Islands, in the areas of race relations, gender equity and conflict resolution. During that period I worked as a mediator appointed by the Commissioner of Education for the State of New Jersey to seek a resolution of litigation among three school districts in northern New Jersey involving school desegregation issues there. From 1995-96 I worked as a consultant to school districts implementing, planning and in the application process for federal MSAP grants, and for Harvard U. School of Education assisting with the selection and editing of articles for *Law and School Reform: Six Strategies for Promoting Educational Equity* (Yale U. Press 1999)(Jay P. Heubert, ed.).

Springfield's Magnet Schools Assistance Programs 2004-2007

3) The threshold purpose of the MSAP is to "reduce, eliminate or prevent minority group isolation." It is the last remaining federal school desegregation assistance program, and is at its core a program intended to promote educational equity among diverse racial groups in public school districts. SPS has received funding for four three-year grant cycles, and in each of those cycles funds have been allocated to schools in the district with the highest degree of minority group isolation. Over the period from 1995-2007, these schools have included DeBerry Elementary; Homer Street Elementary; Rebecca Johnson Elementary; Brightwood Elementary; Lincoln Elementary; Gerena (then K-8); Brookings K-8; Zanetti (then K-5); Milton Bradley Elementary; and the Duggan Middle; and the High School of Commerce. One of my goals as Director of this program is to develop disciplined, creative, inquisitive, deep thinkers who understand the joys of learning and discovery, and who trust that their teachers appreciate the excitement about the world that drives them to want to keep learning. The job in the magnet program is to provide teachers with the tools to create and take advantage of teaching and learning environments that honor all children's constructive energy and lead to enthusiastic as well as measurable educational achievement.

4) The Magnet Schools Assistance Program is guided by the view that

parent involvement is important; that it is essential for parents to be engaged in the educational lives of children, and that it is the schools' responsibilities to find efficacious ways to engage parents in important ways in their children's school lives.

- 5) When SPS was awarded an \$8.3 million grant for five schools for the 2004-07 school years, it became one of a small handful of districts in the country to be awarded four consecutive significant MSAP awards.. The magnet schools center teaching and learning around unique themes that provide students with an enriched learning environment in all curricular areas. The grants fund numerous supports in these schools, including, inter alia, substantially increased professional development for teachers, significant enrichment materials and opportunities for students, state-of-the-art technology, from computers to TV studios to "smart boards" and internet support and affiliations with nationally recognized school reform networks.
- 6) The schools that received funding for the 2004-2007 three-year period and their themes are: i) Alice B. Beal Elementary, Expeditionary Learning and Project Based Science; ii) Elias Brookings, K-8, Museum School with Aviation, Aerospace, and Robotics; iii) Rebecca Johnson Elementary, Visual and Performing Arts; iv) Liberty Elementary, Mathematical Discovery and Communications; and v) Duggan Middle School, Expeditionary Learning with Magnet Exploratory Zones in Law, Justice, and Forensics; Broadcast Journalism and Communication Arts; and Design Engineering and Technology.
- 7) Beal Elementary School has become an Expeditionary Learning (EL) school with a focus on Project-Based Science. EL Schools is a widely respected national school reform organization with roots in the renowned Outward Bound program that relies on teamwork to accomplish challenging missions.
 - a) In EL schools, students spend much of their time working on learning expeditions, which are "big idea," broad topics or themes, such as bridges, water quality, the Civil Rights Movement, insects, Shays' Rebellion, or the Industrial Revolution. Teachers work together to design these expeditions to align with district initiatives and Massachusetts State Frameworks, and to assess their own and student work.
 - b) Learning expeditions feature linked projects that require students to construct deep understandings and skills and to create products for real audiences. Expeditions, at their heart, support critical literacy, promote character development, create a sense of adventure, spark curiosity, and foster an ethic of service. They address central academic standards of content, skills, and presentation, and include goals related to character and community. They allow for and encourage the authentic integration of disciplines with the integration of literacy as a key design feature.
 - c) Art is an important vehicle for learning (and representing learning) in EL schools and is typically exhibited through products. Students have the opportunity to create, perform, and respond to a variety of art forms while connecting the arts to content-based instruction.
 - d) A Project-based, inquiry driven science curriculum will become the basis for EL science approaches-using inquiry to inform all content area teaching, and especially

literacy. Inquiry as a teaching tool uses the excitement generated from real-world, hands-on experience and then raises the bar of expectations for quality work by guiding students in asking increasingly difficult questions that help form the basis for deep conceptual understandings.

8) Duggan has become an EL middle school with additional "Magnet Exploratory Zones." Compelling expedition topics take content and make them engaging and accessible to students. Learning expeditions motivate students to become experts, to generalize to big ideas and to experience how depth leads to breadth. Students in EL schools use the natural and social environments of their communities as sites for purposeful fieldwork and service connected to academic work. Students become active investigators using many of the same research tools, techniques of inquiry, and standards of presentation used by professionals. Experts from the community are often engaged in the school and older students participate in internships and apprenticeships through these connections. At Duggan, one of the key emphases has been transformation of a negative school climate into one that is fully constructed to support academically challenging and effective teaching and learning.

- a) In the Law, Justice and Forensics Magnet Exploratory Zone students have the opportunity to engage in the study of the criminal justice system, various areas of civil law as well as the rapidly expanding area of forensic studies.
- b) The Broadcast Journalism and Communication Arts Magnet Exploratory Zone has been especially effective in engaging students in hands-on activities in the uses of video and television to tell important stories. Communication skills acquired in this exploratory zone enhance academic learning while also exposing students to potential career opportunities.
- c) The Design Engineering and Technology Magnet Exploratory Zone engages the students in hands-on activities that are designed to foster critical thinking and problem solving skills by teaching basic design principles and related concepts, including the basic foundations of Mechanical Engineering, Structures in Architecture and Software Engineering. Students have an opportunity to experience mini-courses as well as after school and summer opportunities to take advantage of challenging state of the art investigations with outside mentors.

9) Working closely with museums and related resources in Springfield and the surrounding area, Elias Brookings School is the only Museum School in Western Massachusetts. Teaching and learning draws upon the process of producing "exhibitions" that demonstrate understanding of academic content and concepts. Close ties with the Museums at the Quadrangle and "Artists in Residence" provides an enriched learning environment that connects all academic areas with the arts. In a Museum School, students work on grade-level or school wide projects that help transform the school into a living museum. Activities typically focus on historical issues, looked at through the lens of different groups of citizens, such as soldiers, women, minority group members, workers, teachers and, of course, children.

a) Aviation, Aerospace and Robotics is an additional focus of learning at Brookings. Exploration of aviation theory, history and design has linked to after school and summer programs in Aerospace and Robotics. Students are exposed to introductory and advanced concepts concerning all aspects of flight and engineering, engage in hands-on activities with state of the art equipment and technology in specially designed labs. They explore a variety of ways that communication takes place on earth, in flight and in space as their writing skills are developed and honed.

10) Rebecca Johnson School is a center for visual and performing arts where students use their creative energies, interests and talents as a central part of their in-school experience. Our city has a wealth of cultural institutions with expertise in integrating the arts into standards based classroom who have begun to forge close collaborations to support this exciting venture. Among these are Springfield Symphony Orchestra, the Community Music School, The Drama Studio, and Enchanted Circle Theater.

a) Activities have included original expression of art endeavors such as improvising, composing, and performing original works of music, dance, theater pieces or visual art works. Students find a variety of mediums to express their artistic ideas in the course of their daily course work as they share with others their creations through projects designed to enhance each content area.

b) Dance is expressed in formal and informal contexts as students improvise, create, and perform dances based on their own movement ideas. Their work in this area is designed to demonstrate an understanding of choreographic principles, processes, and structures and of the roles of various participants in dance productions.

c) Music is alive at Rebecca Johnson as students compose original works and perform music written by others through individual and/or group musical and music-related tasks such as creating, performing, recording, and producing music. A strings program developed in partnership with the Springfield Symphony Orchestra as well as a drumming program is available to students. Instrumental music is offered as part of an After School Enrichment in the Arts program.

d) Theater productions at Johnson involve students in creating and performing original theater pieces as well as improvisational drama. Productions include individual and group theatrical and theater-related tasks, such as writing and producing. Opportunities are provided for attendance at rehearsals and performances of the many local theater companies and colleges engaged in theatrical productions.

e) Visual Arts opportunities incorporate exploration of a variety of topics, themes, and metaphors. Students learn ways to express sensory elements, understand organizational principles of artistic renderings, and ways to use expressive images to communicate their own ideas in works of art. A variety of art materials, processes, mediums and techniques, and appropriate technologies for creating and exhibiting visual art works are available for students in classroom and extra-curricular activities.

11) Liberty's Mathematical Discovery and Communications theme joins engaged, hands-on, project based work that focuses student energies on mathematical concepts with opportunities to use literacy skills through inter-disciplinary activities. At Liberty,

mathematics is explored as a reasoning tool and a way of making connections between mathematical ideas and their many contexts.

- a) Students come to view mathematics as a way of thinking that connects many aspects of daily life as well as to other disciplines such as science, social studies, and literature. Mathematical investigations provides a basis for cooperative learning as students learn to work comfortably individually, in pairs, in small groups or as a whole class. Project-based activities that engage parents in the Math Discovery program are provided throughout the year.
- b) Through the Communications theme, students and staff attend to the interpersonal communications that are at the heart of a respectful environment. Interactive communications that engage students in hands-on, project-based activities will encourage inspired and regular use of literacy developed skills. Additionally, students are introduced to the areas of television and radio production, marketing, advertising and public relations that help them develop their writing, speaking and computer skills. We have installed a TV studio in the school that includes audio and video editing suites and a state-of-the-art control room. Students will have the opportunity to collaborate with TV 40 which is located just down the street.
- c) Students are encouraged to conduct fieldwork "investigations" during Liberty's After School and summer program that permit them to engage in more in-depth exploration of project based math concepts and activities. These in-school extensions activities involve time for students to work on newspaper production and exploration of the technology of the TV Studio and to use state of the art technology such as Pasco Probes with handhelds and laptop computers. Extension activities utilize LEGO Data materials as a way to learn concepts necessary for school success that generate enthusiasm for learning math at the same time.
- d) Liberty has initiated a "Friday SPECIALS" program every other week, where all staff work with small groups in various communications-driven activities of the students' choice, from songwriting to video to a school newspaper to performing different dance routines. The Community Music School of Springfield has also been a collaborating partner in the development of the Friday SPECIALS.

12) Zanetti Montessori School offers the world renowned Montessori education as a public school option for students in grades PreK through grade 8.

- a) This program features multi-age classes, which is a distinct feature of the Montessori approach. Our Pre-K through grade 8 Montessori school features multi-age classrooms that combines students of contiguous age or grade levels in each class to promote role-modeling and to enhance opportunities for children to work with Montessori materials at their own pace.
- b) This program further offers a Grade Structure Children's House, which is available to children who are 3 by September 1st through Kindergarten. Elementary 1 is available to students in grades 1, 2, and 3 and Elementary 2 is available to students in grades 4 and 5. The Middle School Program is available to students in grades 6, 7, and 8.
- c) Montessori's philosophy of civility and respect for others is evidenced throughout the school community.

- d) In the primary grades (Pre-K to 5), specialized, self-correcting Montessori manipulative materials that encourage independent student use form the basis for carefully designed lessons and units that are calibrated to match each individual's learning pace across the curriculum.
- e) Specialized training has been provided for staff in the use of Montessori materials. At the primary year grades this training was offered through the College of Saint Catherine in Minnesota, a unique program offered only through the MSAP, that led to many SPS teachers receiving Montessori certification as well as a Masters degree, fully funded through the grant.
- f) There is a Dual Language Program at each grade level that provides instruction across content areas in both English and Spanish.
- g) In addition a full time Family Liaison is on staff who helps to plan activities and events for all members of the family. Monthly school assemblies and activities such as Family Math and Science Nights, Family Stories, and field trips are well attended by our Zanetti family members.
- h) Among the preschool options are full- or half-day for preschool aged students and an extended day program on site provided and administered entirely by Springfield Day and available only to Zanetti students.

13) Kensington has become an International Baccalaureate Primary Years (PYP) Programme. The Primary Years Programme is an international curriculum that focuses on the whole child, support for his/her natural curiosity, development and support of capable thinkers. There are three core questions for learners: i) What do we want to learn? ii) How best will we learn? and iii) How will we know what we have learned?

- a) PYP focuses both on academic achievement as well as the social, physical, emotional and cultural growth of each child.
- b) PYP seeks to nurture the natural curiosity of students and help them to become life-long learners.
- c) PYP asks that teachers uncover the experiences that children bring with them, and to use this as the foundation for future learning. In this manner the PYP course of study helps students to learn to be thinkers capable of making sense of what they learn and to understand its relevance in their world.
- d) PYP encourages learning across content areas, which requires a commitment on the part of staff members to work closely together on planning learning projects and activities. Creating time to share information in this manner allows teachers to know the strengths of individual children, and to help them build on these strengths.
Art and music are important aspects of the PYP and provide creative outlets for children as they begin their journey of self-discovery, the cornerstone of becoming a culturally aware and responsible person.
- e) PYP encourages students to lead a well-balanced life that incorporates intellectual, artistic and physical pursuits, as avenues to helping them become responsible, open-minded, culturally aware, caring citizens of the world.

14) The High School of Commerce is one of a small number of public high schools in New England authorized to provide the coveted International Baccalaureate (IB) Diploma Programme for students in grades 11 and 12. Commerce also offers the IB Middle Years Programme for students in grades 9 and 10 in partnership with Van Sickle Middle School, which offers the IB Middle Years program for students in grades 6 through 8.

- a) This program emphasizes Academic Rigor, by providing a rigorous course of study for highly motivated students that is based on international standards of excellence designed to help students compete in our global economy.
- b) Students who successfully complete the requirements for an IB Diploma may receive a full year's worth of college credit from top colleges and universities throughout the world. IB Diplomas are recognized around the world, not just within the United States.
- c) In grades 11 and 12 students enrolled in the Diploma Program are required to conduct 150 hours of "Creativity, Action and Service" (CAS) that brings them into direct contact with the community at large and helps them become well-rounded young adults.
- d) Students who are interested in a career in the field of medicine find a wealth of classes that prepare them to pursue this field in college. Students select courses such as: Health Education; First Responder; First Aid/Responding to Emergencies; Applied Medical Concepts; Opportunities in Medical Careers and Athletic Health Care.

15) During the 2001-2004 grant period (\$7 million) the following magnet schools centered teaching and learning around the following unique themes that provided students with an enriched learning environment in all curricular areas: Edward P. Boland Elementary, Reggio Emilia Inspired Approach; Homer Street Elementary, Inquiry Science Across the Curriculum; Kensington Avenue Elementary, International Baccalaureate Primary Years Program; Alfred G. Zanetti School, Montessori (pre-K through middle years); and High School of Commerce, International Baccalaureate, Medical Science, Law and Government, and Business and Finance.

16) During the 1998-2001 grant period (\$6.5 million) the following magnet schools centered teaching and learning around the following unique themes that provided students with an enriched learning environment in all curricular areas: Brightwood Elementary School, Developmental Literacy and Global Studies; Lincoln Elementary School, Medical Science and Community Service; Milton Bradley Elementary School, City of the Future; Sumner Avenue Elementary School, Environmental Studies; Zanetti Montessori; and the High School of Commerce (1st of two rounds of funding for Zanetti and Commerce; second of two rounds of funding for Brightwood and Lincoln).

17) During the 1995-1998 grant period (\$9.8 million) the following magnet schools centered teaching and learning around the following unique themes that provided students with an enriched learning environment in all curricular areas: Chestnut Accelerated Middle School, Visual and Performing Arts through Technology; Lincoln Elementary School, Medical Science through Technology; Brightwood School (Global Studies through Technology; Gerena [then K-8] School, Visual and Performing Arts through Technology; and DeBerry Elementary School, Micro-Society through Technology.

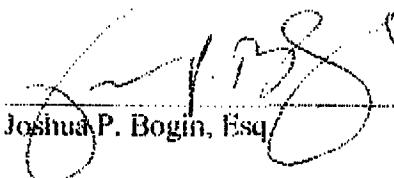
18) It is important to note that almost all of the schools funded in SPS through the Magnet Schools Assistance Program are located in schools in predominantly minority neighborhoods, and at schools that at the time of submission of the grant applications had minority enrollments in far greater proportions than the district as a whole. Accordingly, students residing in neighborhoods outside of the neighborhoods in which the school were located are bussed to these schools. "Neighborhood" students received priority points to be permitted to attend magnet schools in their neighborhood. In 2005, the district first implemented a "Boundary Plan," under which 70% of the slots at our magnet schools are filled with children living in the immediately surrounding neighborhood, and the remaining 30% are recruited from other parts of the city.

Signed under the penalties of perjury this 2nd day of February, 2007.

Joshua P. Bogin, Esq.

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